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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/698,844	10/31/2003	Christian Behrens	16104-012001 / 2003P00801	9310
32864 7590 09/24/2007 FISH & RICHARDSON, P.C. PO BOX 1022 MINNEAPOLIS, MN 55440-1022			EXAMINER HASSAN, RASHEDUL	
			ART UNIT 2179	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/698,844	Applicant(s) BEHRENS ET AL.	
	Examiner Rashedul Hassan	Art Unit 2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-14 and 16-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-14 and 16-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

Amendment added to claims 10, 11 and 14 recites the term "computer readable medium" which does not appear to have antecedent basis in the spec.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 10-14, and 16-18 are rejected under 35 USC § 101 for being directed to non-statutory subject matter.

For claims 10 (a computer program product tangibly embodied in a computer readable medium), 11-13 (a computer system comprising at least one computer readable medium), and 14, 16-18 (a repository tangibly embodied in a computer readable medium), the disclosure does not explicitly specify as to what constitutes a computer readable medium as claimed. However, the instant disclosure mentions that the apparatus of the invention can be implemented in a computer program product tangibly embodied in an information carrier including a propagated signal for execution

Art Unit: 2179

by a programmable processor (page 7, lines 24-28). This raises the rebuttable presumption that the applicant intends to include signal or carrier waves as the claimed "computer readable medium". Since a signal or carrier wave is not a tangible physical article or object to constitute a machine, manufacture or composition of matter, and it is not a process either, these claims do not fall within a statutory category of invention and thus rejected as being directed to non-statutory subject matter under the meaning of 35 U.S.C 101.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3-8, 10, 11-12, 14, and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Ellenby et al. (US 6,396,475 B1), hereinafter Ellenby.

For claims 1 (a method), 10 (a computer readable medium), 11 (a computer system) and 14 (a repository), Ellenby teaches a computer implemented method of providing access to database objects (selectable objects displayed in the map area of Fig. 1), the method comprising:

displaying in a computer user interface (Fig. 1) an object selection area (first display region 2 in Fig. 1) capable of presenting representations of a plurality of database objects for selection by a user (user selectable representations of database objects, e.g., Jefferson High School, Othon Financial Tower, Matalio's Sausage Shop etc., displayed on the map of Fig. 1), the plurality of database objects being of a type that is configured to include a plurality of data portions (e.g., each database objects are of a type, one a school, one a financial institution, and one a restaurant type in the disclosed embodiment, and also one can think of them as belonging to a single type corresponding to a physical article or thing, that is configured to include a plurality of data portions such as an address book, a booklist etc.), each of the database objects having stored therewith one of a plurality of predetermined contexts defining that at least one of the plurality of data portions is relevant for the predefined context (each of the database objects are associated with a context which is described in the reference as a "type" stored with the database record associated with the object, c7: 63-65; The disclosure of the instant application mentions that contexts 116 can be any entities associated with the objects 114 that affect what data particular objects should contain (p4: 1-2). Therefore, the "type" of an object in the reference can be considered to be the "context" of that object, since the "type" of the object dictates what data the object should contain, and defines that at least one of the plurality of data portions, e.g., an address book, a booklist, a stock quote, or a menu, is relevant for the predefined context, since only the relevant data portions are presented based on context, see Fig. 1-3), the user interface comprising a plurality of panels (a "panel" is a broad generic

term that can be interpreted to mean information shown on the video display of a computer during operation of a program, sometimes referred to as screens) for presenting portions of data belonging to database objects selected in the object selection area (e.g., when the Jefferson High School object is selected on the map display, subsequent selection of address book icon 6 by the user activates the address book functionality of the computer to display panels/screens showing the names and addresses of all students, teachers and staff of the school, c8: 22-25), some of which panels are relevant to more than one of the contexts (26 in Fig. 2 shows that the address book functionality is also relevant to a different context/type, e.g. a financial institution type. In other words, the panels/screens used by the address book functionality are relevant to more than one of the contexts/types; c8:46-48);

receiving an input from the user selecting a database object presented in the object selection area (selection of Jefferson High School by the user in Fig. 1);

identifying, in response to the input, one of the plurality of predetermined contexts (types) that is associated with the selected database object (c7 63-65);

selecting one of a plurality of panel selection controls (toolbar 5 in Fig. 1; Ellenby describes the toolbar as selection control for selecting certain functions/actions of the computer. However, these functions or actions are instructions resulting in displaying certain panels/screens on the video display device. Therefore, the toolbar 5 can be seen as a panel selection control, since a user is provided with certain panels/screens upon selecting the toolbar icons and thereby activating the functionality/actions represented by the respective icons. This view is also in light of the disclosure of the

Art Unit: 2179

instant application as shown in Fig. 3 and discussed in p6: 15-23, wherein Control 1(DE) relates to taking particular actions in relation to a German object where those actions cause display of certain panels on the video display device) using the identified context (c8: 10-12), each of the plurality of panel selection controls being associated with one of the predetermined contexts (implied, c8: 12-14), the selected panel selection control providing that the user can select for display any of the panels (screens presented to the user by selected functionality from the toolbar 5) that are relevant to the context of the selected database object (since only the relevant icons are presented in the toolbar 5 based on type of the selected object), wherein any of the selectable panels that are relevant also to a different context (e.g., screens associated with the address book functionality of the computer) can also be selected in a panel selection control (toolbar) associated with the different context (e.g., toolbar in Fig. 2, c9: 15-24); and displaying the selected panel selection control in the user interface (toolbar 5 in Fig. 1).

For claims 3 (a method), 12 (a computer system) and 16 (a repository), Ellenby further teaches generating an event (selection of an object by the user) associated with the context (type) of the selected database object (since, upon selection of an object the type/context of the selected object is determined (c6: 7-9), thereby creating an association between the selection event and the context/type of the selected object), wherein the panel selection control (toolbar) is selected using the generated event (c6: 9-13, also see c1: 49 – c2: 11).

For claim 4, Ellenby further teaches that each of the panel selection controls (toolbar) have events associated with them (c1: 63-65), and wherein selecting the panel selection control comprises deactivating any of the panel selection controls for which the generated event does not match (since, not showing a particular toolbar based on a selection event of a type of object is considered as deactivating the toolbar).

For claim 5, Ellenby further teaches receiving a second input selecting a second database object associated with a second context (c8: 38-40); generating a second event associated with the second context (selection of a second object generates a second selection event. Since, after generation of this second event, the context/type of the second selected object is determined, this determination creates association between the second event and the second context); and using the second event to select a second panel selection control for display in the computer user interface, the second panel selection control being associated with the second context (c8: 10-19 and 40-43, also Fig. 2).

For claim 6, Ellenby further teaches that the panel selection control is capable of receiving content for any of the contexts (since, the address book icon is capable of receiving content for any type of institution for which it is relevant), further comprising providing the panel selection control with a content for the context of the selected

database object (in Fig. 1 the content for the control 6 is based on the type "school", but in Fig. 2 the content for the same control 26 is based on type "financial institution").

For claim 7, Ellenby further teaches receiving a second input selecting a second database object associated with a second context (selecting a financial institution as in Fig. 2); and providing the panel selection control with a second content (directory information for the financial institution) for the second context (context being a financial institution).

For claim 8, Ellenby further teaches the panel selection control comprises at least two controls that the user can execute in selecting panels for display, each control being associated with at least one of the panels (toolbar 5 in Fig. 1 shows 5 icons or controls each associated with at least one panel/screen).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein

Art Unit: 2179

were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 9 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellenby.

For claims 9 and 18, Ellenby does not teach that the context of the selected object is selected from the group consisting of: country, employer, and combinations thereof. However, since Ellenby's basic teaching is about presenting a user interface in the form of a toolbar or drop-down menu which permits a user access to certain functions of the computer which relate to the type of object selected, this teaching can obviously be applied to any type or context that can be associated to an object, including country, employer, and combinations thereof. For example, Ellenby teaches that a selected object can be either a real object or a virtual object. The plane that separates the states Illinois and Wisconsin, the Northern Hemisphere are examples of virtual objects (see c3: 46-62 for discussion of objects). Therefore, it would have been obvious to a person of ordinary skill in the art to apply his teaching to use country as the context for selection in an application that displays a map in a global scale where the map is segmented by country borders for a user to select a country in the map and by doing so access various information related to the country or functionality associated

with that country. Similarly, although Ellenby uses the type (e.g., school, financial, restaurant etc.) of the institution as the context in his disclosure, it would have been obvious to use employer as the context when the nature of the application requires presenting different functionalities of the computer based on different employer as well. The motivation for such modification would have been the same as disclosed, which is to provide access to certain functions of the computer, which relate to the type of object selected (c6: 9-13).

Claims 13 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellenby in view of Powers III (US 5,428,731), hereinafter Powers.

For claims 13 and 17, Ellenby does not explicitly teach the limitation of forming the panel selection controls associated with the plurality of contexts by providing content to a generic panel selection control. However, this limitation is a well-known aspect of what is commonly referred to as Object Oriented Programming. In Object Oriented Programming, a generic class can be instantiated into various different objects by providing different values for the attributes of the class. For example, Powers teaches how various topic objects can be created by instantiating a generic topic class (c8: 10-30). Therefore, it would have been obvious for a person of ordinary skill in the art, given the general knowledge in the art at the time of the invention, to instantiate Ellenby's panel selection controls (toolbars) associated with the plurality of contexts by providing content to a generic panel selection control (generic toolbar class) using this well known

Art Unit: 2179

technique of Object Oriented Programming in order to reduce efforts in both coding and maintenance.

Response to arguments

The examiner acknowledges and appreciates applicant's amendments to the claims filed on 08/15/2007.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., (i) Ellenby does not relate to multiple contexts being applicable to a particular type of object, page 8 lines 4-5 in the Remarks; and

(ii) multiple objects are of the same type, and that they can be associated with different contexts, page 8 line 15 in the Remarks) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Claims 1, 10, 11, and 14 only require "one" of a plurality of contexts, not multiple contexts being applicable to a particular type of object. Also the claims do not necessarily require that multiple objects are of the same type, but can reasonably be interpreted to require that multiple objects are of any type, but the type has to be such that is configured to include a plurality of data portions.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rashedul Hassan whose telephone number is 571-272-9481. The examiner can normally be reached on M-F 7:30AM - 4PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



(Rashedul Hassan)



WEILUN LO
SUPERVISORY PATENT EXAMINER